

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JERRY RAY ULRICH, III,

Plaintiff,

V.

CHRIS WEST, et al.,

Defendants.

Case No. CIV-22-767-HE

ORDER

Plaintiff, a prisoner appearing pro se, seeks leave to proceed in forma pauperis under 28 U.S.C. § 1915. Doc. 6. Having reviewed Plaintiff's motion and the supporting affidavit, the Court finds Plaintiff is entitled to proceed without prepayment of the full filing fee, and to that extent the motion is granted. However, pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff must pay the full \$350.00 filing fee as set forth below.

Plaintiff must pay an initial partial filing fee of \$26.83, which represents twenty percent of the average monthly deposits to his prison trust account, **on or before October 6, 2022**. *See* 28 U.S.C. § 1915(b)(1) (Prisoner proceeding in forma pauperis must pay an initial filing fee of twenty percent of the greater of “the average monthly deposits to the prisoner’s account” or “the average monthly balance in the prisoner’s account for the [six]-month period immediately preceding the filing of the complaint.”). If by that date Plaintiff

has failed to pay the initial partial filing fee or failed to show cause in writing for failure to pay, this action will be subject to dismissal without prejudice to refile, and no fees or costs will be imposed or collected. Plaintiff may also voluntarily dismiss this action in accordance with Fed. R. Civ. P. 41(a) on or before October 6, 2022, without incurring any fees or costs.

After payment of the initial partial filing fee, Plaintiff shall make monthly payments of twenty percent of the preceding month's income credited to his prison account or accounts until he has paid the full \$350.00 filing fee. 28 U.S.C. § 1915(b)(2). The Court will enter an order directing the agency having custody of Plaintiff to collect and forward such monthly payments to the Clerk of Court each time the institutional account balance exceeds \$10.00 until the filing fee is paid in full. *See id.* Interference by Plaintiff in the submission of these funds will result in the dismissal of this action.

The Court advises Plaintiff that notwithstanding any portion of the filing fee that may have been paid, the Court shall dismiss at any time all or any part of such complaint which (1) is frivolous or malicious; (2) fails to state a claim on which relief can be granted; or (3) seeks monetary relief from a defendant who is immune to such relief. 28 U.S.C. § 1915(e)(2). The Court further advises Plaintiff monthly payments will continue to be collected until

the Court has received the full filing fee, even after disposition of the case and regardless of whether relief is granted or denied.

The Clerk of Court shall not issue process until further order of the Court, and the Clerk shall send a copy of this order to the agency having custody of Plaintiff.

SO ORDERED this 15th day of September, 2022.



SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE